IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 79481-M of 2006

DATE OF DECISION : 01.02.2007

Santokh Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Dr. Anmol Rattan Sidhu, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Santokh Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 69 dated 6.7.2006 under Section 307/34 IPC and 25/27/54/59 of the Arms Act, registered at police Station Sadar Bathinda, District Bathinda.

I have heard the arguments of learned counsel for the parties and gone through the contents of the FIR as well as the order dated 17.8.2006, passed by Addl. Sessions Judge, Bathinda, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that as per the allegations in the FIR, on the day of the alleged occurrence, co-accused Baldev Singh was quarreling with his son Sandeep Singh. When Sukhminder Singh brother-in-law of the complainant Gurtej Singh stopped Baldev Singh from doing so, then Baldev Singh, Hardev Singh and petitioner Santokh Singh got angry with him and thereafter, Baldev Singh told the petitioner to caught hold of him. It is alleged that with intention to kill, petitioner fired upon the complainant straightway with his gun, when he was standing in the way and co-accused Baldev Singh and Hardev Singh fired upon the complainant party with their weapons.

Counsel for the petitioner contends that there are nine injuries on the person of the complainant and as per opinion of the Doctor, who has

been examined as PW.1, possibility cannot be ruled that all the injuries on the person of the injured could be result of a single shot. He further contends that only one empty shell was recovered from the spot. Counsel has further contended that during investigation, co-accused Baldev Singh, against whom there are similar allegations, has been found innocent. Counsel for the petitioner contends that co-accused Hardev Singh has been granted regular bail by this Court on December 04, 2006 in Crl. Misc. No. 68158-M of 2006. He further contends that the petitioner is in custody since 16.7.2006 and subsequently, on an application under Section 319 Cr.P.C., filed by the prosecution, co-accused Baldev Singh has been summoned on 17.1.2007 and thereafter, all the prosecution have to be examined again and the trial is not going to conclude soon. The aforesaid factual position has not been disputed by the State Counsel.

In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 01, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**